

City Council Minutes
August 12, 2014

Regular Meeting
City Hall Council Chambers

Tuesday, August 12, 2014
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss.
The city clerk called the roll:

Councilor Ferris	-	present	Councilor Vachon	-	present
Councilor Uhlenhake	-	present	Chairman Goss	-	present
Councilor O'Connell	-	present			

Chairman Goss declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

Chairman Goss led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, August 12, 2014 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Jerry Goss
Mayor and Chairman of the City Council

or _____
Majority of the City Council

a true copy, attest: s/Pamela J. Ryan
City Clerk

OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand or by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	N. Feero	Sgt.	08/08/14	1640
Matthew Vachon	Picked Up at City Manager's Off.		08/08/14	4:10pm
Beverly Uhlenhake	N. Feero	Sgt.	08/08/14	1635
Jerry Goss	N. Feero	Sgt.	08/08/14	1620
Kevin O'Connell	Picked Up at City Manager's Off.		08/08/14	3:45pm

CITY COUNCIL REGULAR MEETING

Tuesday, August 12, 2014 6:00 P.M.

Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.**
(Mayor Goss)
- A. Minutes of July 8, 2014 Regular Meeting.** (Councilor Vachon)
- B. Awards, Petitions, Public Comments**
 - 1. (2014-B043) RESOLVE, Recognize Ken Hanscom, Director of the Brewer Parks and Recreation Department, for 25 Years of Dedicated Service to the City of Brewer.
(Mayor Goss)
 - 2. (2014-B044) RESOLVE, Recognize Captain Brent Melvin, Brewer Fire Department, for 25 Years of Dedicated Service to the City of Brewer.
(Mayor Goss)
 - 3. (2014-B045) RESOLVE, Recognize George and Linda Bishop and Penobscot Ice Arena of Brewer for Their Outstanding Commitment to the Brewer Community.
(Mayor Goss)
 - 4. Public Comments.
- IV. Recess for Public Hearing.**
 - 1. General Assistance Ordinance Revision Amendment.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
 - 1. (2014-A115) ORDER, Accept Donations to the Brewer Public Library.
(Councilor Uhlenhake)
 - 2. (2014-A116) ORDER, Approve Contract Zone Agreement Amendment of Property for Husson Park Limited Partnership, 34 Abbott Street (City Tax Map 27, Lot 32).
(Councilor Vachon)
 - 3. (2014-A117) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor O'Connell)
 - 4. (2014-A118) ORDER, Award of the LED Message Center Board Replacement. (Councilor Ferris)
 - 5. (2014-A119) ORDER, Authorize the Purchase of Components for New School Zone Lights and New Rapid Flashing Crosswalk Signals. (Councilor Uhlenhake)

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6. (2014-A120) ORDER, Award Contract for the Conversion of the Public Safety Building Boilers from Oil-Fired to Natural Gas-Fired. (Councilor Vachon)
7. (2014-A121) ORDER, Issue Release Deed to Barbara and Edward Mitchell and Barbara and Vaughn Foster for Property Located at 454 South Main Street (Tax Map 26, Lot 153). (Councilor O'Connell)
8. (2014-A122) ORDER, Authorizing Brewer Redevelopment, LLC to Transfer the Property Located at 5 Somerset Street to Somerset Place Housing Associates, LP, for the Redevelopment of the Former Brewer Middle School. (Councilor Ferris)
9. (2014-A123) ORDER, Authorize the Brewer Waterfront Trail be Officially Named the Brewer Riverwalk Trail. (Councilor Uhlenhake)
10. (2014-A124) ORDER, Setting a Date, Time and Place for a Public Hearing to Declare the Structures Located at 927-929 North Main Street in Brewer (City of Brewer's Tax Assessor's Map 18, Lot 11) are a Nuisance or Dangerous Structures Pursuant to Title 17 M.R.S.A. § 2851, *et seq.* (Councilor Vachon)
11. (2014-A125) ORDER, Authorize the Code Enforcement Officer and the City Solicitor to Bring an Action Against the Owner and any Party of Interest Pursuant to Title 17 M.R.S.A. § 2851, *et seq.* Against the Property Situated at 4 Somerset Street in Brewer (City of Brewer's Tax Assessor's Map 30, Lot 48). (Councilor O'Connell)
12. (2014-A126) ORDER, Accept Grant to the Brewer Public Library. (Councilor Ferris)
13. (2014-A127) ORDER, Accept Donations to the Brewer Public Library. (Councilor Uhlenhake)
14. (2014-A128) ORDER, Authorize the City Manager, or His Designee, to Negotiate with Largay-Feeney Investments, LLC For an Extension of Manns Court. (Councilor Vachon)
15. (2014-A129) ORDER, Authorize the City Manager, or His Designee, to Sign a Lease for Seven (7) Parking Spaces on a Portion of the City Property Generally Shown on the City of Brewer's Tax Assessor's Map 30, Lot 149 to the Housing Authority of the City of Brewer, or its Successors and Assigns, in the Event It Exercises its Option and Purchases the Former Brewer Middle School Property from Brewer Redevelopment, LLC. (Councilor O'Connell)

16. (2014-A130) ORDER, Authorize the City Manager, or His Designee, to Contract with the Maine Department of Transportation To Begin Phase II of the Brewer Riverwalk Trail Development. (Councilor Ferris)
17. (2014-A131) ORDER, Accept Funds in a Forfeiture Resulting From a Recent Court Case that the Brewer Police Made A Substantial Contribution in the Successful Prosecution Of. (Councilor Uhlenhake)
18. (2014-A132) ORDER, Authorize the Auction and/or Disposal of Unclaimed Bicycles. (Councilor Vachon)
19. (2014-A133) ORDER, Authorize Writeoff of Uncollectible Personal Property Taxes. (Councilor O'Connell)
20. (2014-A134) ORDER, Authorize Supplemental Appropriation for Code Enforcement Office Relocation. (Councilor Ferris)
21. (2014-A135) ORDER, Authorize Purchase of Replacement Police Patrol Vehicle for the Brewer Police Department. (Councilor Vachon)
22. (2014-B046) RESOLVE, Amend Budget Resolve 2014-B030. (Councilor Uhlenhake)

D. Monthly Reports. (Councilor Ferris)

E. Nominations, Appointments, Elections. (no items)

F. Unfinished Business. (no items)

G. New Business.

1. Consent Calendar.
 - a. (2014-C014) Amend Chapter 15, Article 7, Safe Zones, Section 702, Safe Zones, of the City of Brewer Charter, Codes and Ordinances, Entitled "Parks, Conservation and Recreation", to Add an Item J. (Councilor O'Connell)
 - b. (2014-C015) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Ferris)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of July 8, 2014 Regular Meeting.

ACTION: Councilor Vachon moved that the minutes be accepted and placed on file. The motion was seconded and passed by unanimous vote.

B. Awards, Petitions and Public Comments.

2014-B043

July 8, 2014

TITLE: RESOLVE, RECOGNIZE KEN HANSCOM, DIRECTOR OF THE BREWER PARKS & RECREATION DEPARTMENT, FOR 25 YEARS OF DEDICATED SERVICE TO THE CITY OF BREWER.

filed July 1, 2014
by Jerry Goss

WHEREAS, Parks & Recreation Director Kenneth Hanscom on July 10, 2014, completed twenty-five (25) years of dedicated service as an employee for the City of Brewer; and

WHEREAS, Parks & Recreation Director Kenneth Hanscom started with the Brewer Parks & Recreation Department on July 10, 1989, and

WHEREAS, Kenneth Hanscom, has served as a the Director of Parks & Recreation for the past twenty-five (25) years; and

WHEREAS, Director Kenneth Hanscom has provided outstanding service to the City of Brewer and Brewer residents, his dedication is greatly appreciated; and

WHEREAS, on the occasion of him completing twenty-five (25) years of service, the Brewer City Council wishes to publicly recognize Parks & Recreation Director Kenneth Hanscom for his distinguished service as an employee of the City of Brewer;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith expresses its deep appreciation to Parks & Recreation Director Kenneth Hanscom for serving the community in a caring and professional manner for the past twenty-five (25) years.

ACTION: Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed.

Councilor O'Connell read the resolve into the record while presenting it to Ken Hanscom.

Councilor O'Connell said that the real heroes of the world are those take time to help a child and Ken and his staff at the rec are exactly that.

Councilor Vachon said it was a pleasure working with Ken when he was a member serving on the Brewer Parks and Recreation Board. Also he wanted to note that he was the 1999 Brewer Rec Free Throw Champion.

Mayor Goss wanted to personally say thank you for Ken's dedication to the job as Parks and Recreation Director and to thank him for the partnership between the Brewer schools and the Rec department because it was always all for the benefit of the kids.

Councilor Ferris said he wanted to thank Ken as well as Ken and his staff always take pride in their service to everyone who comes to the rec.

Councilor Uhlenhake said that it was because of the excellent programs run by the rec department that families can work and leave their children in the care of the excellent staff there. She said her son spends lots of time there and loves it.

The resolve was adopted by unanimous vote.

2014-B044

July 8, 2014

TITLE: RESOLVE, RECOGNIZE CAPTAIN BRENT MELVIN, BREWER FIRE DEPARTMENT, FOR 25 YEARS OF DEDICATED SERVICE TO THE CITY OF BREWER.

filed July 1, 2014
by Jerry Goss

WHEREAS, on July 5, 2014 Brewer Fire Captain Brent Melvin completed twenty-five (25) years of dedicated service as an employee for the City of Brewer; and

WHEREAS, Captain Melvin started with the Brewer Fire Department on July 1, 1987, as a Call Firefighter and starting working as a full time Firefighter for the City of Brewer on July 5, 1989; and

WHEREAS, Brent Melvin became Lieutenant on September 1, 1999 and was promoted to the rank of Captain on January 8, 2002 and also has served as a paramedic with the Brewer Fire Department since August of 2006; and

WHEREAS, Captain Melvin is also the Brewer Fire Department's Emergency Medical Service Director and Deputy Emergency Management Director; and

WHEREAS, Captain Melvin has provided outstanding service to the City of Brewer and Brewer residents, his dedication is greatly appreciated; and

WHEREAS, on the occasion of him completing twenty-five (25) years of service, the Brewer City Council wishes to publicly recognize Captain Brent Melvin for his distinguished service as an employee of the City of Brewer;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith expresses its deep appreciation to Captain Brent

Melvin for serving the community in a caring and professional manner for the past twenty-five (25) years.

ACTION: Councilor Vachon moved that the resolve be adopted. The motion was seconded and passed.

Councilor Vachon read the resolve into the record while presenting it to Captain Melvin.

Director of Public Safety Perry Antone said that he has known Brent for at least 31 years. His time, dedication and service to the department is appreciated by all. You know that when he arrives on a scene that it is his scene and it will be handled efficiently.

Councilor O'Connell said that Brent always goes above and beyond at every scene whether it is a car accident or fire scene and that things get done and they are done right.

Mayor Goss said that Captain Melvin always made sure things are done the right way and it is always a team effort. He said it was an honor to recognize him for his dedicated service to the Brewer Fire Department.

The resolve was adopted by unanimous vote.

2014-B045

August 12, 2014

**TITLE: RESOLVE, RECOGNIZE GEORGE AND LINDA BISHOP AND
PENOBSCOT ICE ARENA OF BREWER FOR THEIR
OUTSTANDING COMMITMENT TO THE BREWER
COMMUNITY.**

filed August 6, 2014
by Jerry Goss

WHEREAS, George and Linda Bishop are longtime business owners of Penobscot Cleaning Services located at 565 Wilson Street in Brewer and are the new owners of the Penobscot Ice Arena located at 90 Acme Road in Brewer; and

WHEREAS, seeing a dilapidated structure, the Bishops recognized an opportunity to create a stronger community dynamic at the rink and bring the longtime institution of Brewer hockey back to life along with the physical structure; and

WHEREAS, the Bishops purchased the Penobscot Ice Arena in September of 2013 and immediately began improvements to the structure; and

WHEREAS, true to their word, the Bishops completed all of the improvements and renovations in a timely manner, and revitalized and rejuvenated the Penobscot Ice Arena building, becoming a regional jewel; and

WHEREAS, George and Linda Bishop have continually shown and demonstrated their commitment, both in community spirit and financial resources, to the citizens of the City of Brewer and the hockey community from both near and far; and

WHEREAS, the City of Brewer is proud and fortunate to have this first class operation as a member of its business community;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates and commends the Penobscot Ice Arena and its owners, George and Linda Bishop, for their commitment and dedication to restore the Penobscot Ice Arena.

ACTION: Councilor Vachon moved that the resolve be adopted. The motion was seconded and passed.

Mayor Goss said that the Bishops were unable to attend the meeting tonight so would like to have a motion to table this resolve until the September meeting when they are able to be here to accept this commendation.

Councilor Vachon moved that the resolve be tabled. The motion was seconded and passed.

The resolve was tabled by unanimous vote.

PUBLIC COMMENTS

John Hodgins, 18 Pendleton Street, addressed the City Council about order 2014-A128 that was on the agenda. He said that the lot addressed in the council order abuts his property and that he has been maintaining it for 28 years not knowing who owned it. Yesterday he picked up an agenda at city hall and sees where there is an order selling the property and he wants to know why the abutters were never notified. He said that he had been in to see Assistant City Manager James Smith and expressed his interest in buying this lot.

Assistant City Manager James Smith said that Mr. Hodgins had been in to talk with him about this lot. He did not express his interest to buy it, he told Mr. Smith that he did not want it developed.

City Engineer Frank Higgins said the basic intent of the order was to remedy the private driveway problem by getting Manns Court extended and accepted as a city street and combining two lots to make one buildable one and provide frontage for the parcels.

Mr. Hodgins said that he didn't want to build on the property just maybe put a storage building there. He said that at least the abutting landowners should have been notified and given a chance to purchase it also,

Mayor Goss said probably abutters should have been notified .

Recess for Public Hearing.

1. General Assistance Ordinance Revision Amendment.

The public hearing was called to order by Chairman Jerry Goss.

The city clerk called the roll:

Councilor Ferris	-	present	Councilor Vachon	-	present
Councilor O'Connell	-	present	Chairman Goss	-	present
Councilor Uhlenhake	-	present			

Chairman Goss declared all members were present.

Chairman Goss read the public notice:

CITY OF BREWER PUBLIC HEARING

Notice is hereby given that the City Council of the City of Brewer will hold a public hearing on proposed amendments to Chapter 11, Sub-Chapter 1, General Assistance Ordinance, of the City of Brewer Codes and Ordinances to incorporate changes in maximum benefits on Tuesday, August 12, 2014 at 6:00 p.m. in the Council Chambers at Brewer City Hall, 80 No. Main Street, Brewer, Maine.

The proposed revisions are on file in the office of the Brewer City Clerk for inspection during normal business hours of 8:00 a.m. through 4:00 p.m., Monday through Friday, except legal holidays.

Written comments on these proposed amendments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the public hearing. Written comments should be addressed to the Brewer City Council, c/o City Clerk, 80 North Main Street, Brewer, Maine 04412.

Pamela J. Ryan
Brewer City Clerk

Published in the Bangor Daily News August 4, 2014
Posted August 1, at Brewer City Hall

The City Clerk said that no written or oral comments were received on the proposed ordinance amendment.

There were no comments from the public present either for or in opposition of the proposed amendments to the General Assistance ordinance.

Adjourn Public Hearing and Continue with Regular Meeting.

Public Hearing adjourned at 6:33 p.m.

The city clerk called the roll and all members of the council was present.

Chairman Goss said the regular meeting would resume at this time.

C. Consent Calendar.

ACTION: Councilor O'Connell removed order 2014-A128, Councilor Uhlenhake removed order A130, Councilor Vachon removed order A133 and Councilor Ferris removed resolve B046.

Councilor Vachon moved that the remaining orders on the consent calendar have passage. The motion was seconded and passed by unanimous vote.

2014-A115

August 12, 2014

TITLE: ORDER, ACCEPT DONATIONS TO THE BREWER PUBLIC
LIBRARY.

filed August 6, 2014
by Beverly Uhlenhake

WHEREAS, the Brewer Public Library has received a contribution of \$30.00 from Margaret Mouradian, in memory of Marjorie Jenkins and Phyllis Scribner, and a contribution of \$50.88 from Sharon Van Dyne; and

WHEREAS, it is the recommendation and the request of the Library Director that these contributions be used to supplement and support the purchase of new books;

NOW, THEREFORE, BE IT ORDERED, that the City Council, herewith accepts these contributions of \$30.00 from Ms. Mouradian and \$50.88 from Ms. Van Dyne; and

BE IT FURTHER ORDERED, that this total \$80.88 donation be deposited in account 0107204-300420 (Library Contributions/Donations) and be appropriated and expended from 0117201-502750 (Library Books).

NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.

2014-A116

August 12, 2014

TITLE: ORDER, APPROVE CONTRACT ZONE AGREEMENT
AMENDMENT OF PROPERTY FOR HUSSON PARK
LIMITED PARTNERSHIP, 34 ABBOTT STREET
(CITY TAX MAP 27, LOT 32).

filed August 6, 2014
by Matthew Vachon

ORDERED, that the Contract Zone Agreement between the City of Brewer and Husson Park Limited Partnership providing for a contract zone change for the property at 34 Abbott Street (City Tax Map 27, Lot 32) is herewith approved ; and

ORDERED, that a copy of the Contract Agreement for the Contract Zone Change for the property at 34 Abbott Street is herewith attached and made a part of this order; and

FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign this Contract Agreement on behalf of the City of Brewer.

AMENDED CONTRACT ZONE AGREEMENT

Relating to

Lands of Husson Park Limited Partnership recorded in book 11105, page 211
And amends the contract zone agreement recorded in book 11684, page 27 and the contract zone agreement recorded in book 12643, page 217

This agreement made on _____, 2014, between the CITY OF BREWER, MAINE hereinafter referred to as the CITY, and HUSSON PARK LIMITED PARTNERSHIP, a duly organized Maine Limited Partnership with a place of business at 4 Union Street, City of Bangor, County of Penobscot, State of Maine, its successors and assigns, hereinafter referred to as the OWNER.

WHEREAS:

1. The OWNER has fee ownership in the property at 34 ABBOTT STREET, Brewer, Maine as recorded in the Penobscot County Registry of Deeds in Book 11105, Page 211 (currently shown as Assessor's Map 27 Lot 32), hereinafter referred to as the PROPERTY;
2. The PROPERTY consists of approximately 6.01 acres and includes an existing two-story brick building and associated site improvements which were previously used by the John J. Nissen Baking Corporation.

3. The PROPERTY currently lies within two zoning districts. The portion containing the improvements is zoned Industrial (IND) and the remainder of unimproved land is zoned High Density Residential (HDR).
4. The OWNER wishes to use the improved portion of said PROPERTY for mixed uses which are not permitted under present zoning nor variances granted;
5. The OWNER has entered into a Contract Zone Agreement with the City of Brewer, dated March 3, 2009 to change the zoning on that portion of the PROPERTY that was zoned Industrial (IND). Said Contract is recorded in book 11684, page 27 of the Penobscot County Registry of Deeds;
6. The OWNER requested an amendment to said Contract and as such, an amended Contract Zone Agreement with the City of Brewer, dated October 28, 2011 is recorded in book 12643, page 217 of the Penobscot County Registry of Deeds;
7. The OWNER has applied for an amendment to their current Contract Zone Agreement to modify the uses and amend the site improvements; and,
8. Said Contract Zone Agreement Amendment application was recommended for approval by the Brewer Planning Board on August 4, 2014, with herein conditions.

NOW, THEREFORE, the parties agree as follows:

1. The OWNER will construct and operate the site as shown on the most current approved site plan submission and shown on the plan entitled "Site Development Plan of the Husson Park LP for Timka, Inc. 34 Abbott Street, Brewer, Maine";
2. Since no cul-de-sac exists at the end of Abbott Street, the CITY shall continue to snowplow Abbott Street through the OWNER's parking lot. The CITY shall not perform additional snowplowing or cleanup and shall not be liable for any normal wear on the PROPERTY due to said snowplowing;
3. The OWNER agrees to promptly pay any costs incurred by the CITY to correct any deficiencies in compliance with the site plan and/or conditions of approval, including but not limited to corrective action, court costs, sheriff's fees and reasonable attorney's fees;
4. That portion of the PROPERTY at 34 ABBOTT STREET currently zoned INDUSTRIAL is changed from INDUSTRIAL district to a CONVENIENCE BUSINESS district with the following conditions:
 - a. The OWNER agrees that prior to the issuance of any new occupancy permit for a tenant or use which will cause a significant increase in traffic volumes on Abbott Street, as determined by the Code Enforcement Officer and/or the City Engineer, that the applicant will submit to the Code Enforcement Officer a traffic study performed by a Licensed Maine Professional Traffic Operations Engineer for the

projected volume increase and will complete all recommended improvements contained therein within a time frame specified by the Code Enforcement Officer. The applicant further agrees that, for a period of five years from the approval of this application, should the Abbott Street/ South Main Street Intersection be determined to have become a 'High Crash Location' as determined by the MDOT then the applicant will conduct the traffic study described above and complete all recommended improvements contained therein;

- b. The OWNER shall be required to construct the future parking lot if and when parking becomes a problem. If parking becomes a problem, the OWNER will build the expansion to the parking lot as proposed on the site plan. The applicant will be required to meet all stormwater management rules and ordinances in place at the time of said parking lot expansion including local, state and federal requirements. The determination of a "problem" shall be determined by the Brewer Code Officer. If the parking lot is expanded, the applicant shall also meet any landscaping requirements determined necessary by the Brewer Code Officer for the purpose of safety.
- c. The PROPERTY within the contract zone area may only be used for the following limited use and under the following conditions:

I. Permitted Use: The following list of uses and maximum square footages for each; other uses are explicitly forbidden:

Automotive Repair	12,000 sq. ft.
Warehousing Accessory Use to Retail Sales (no more than 20 customers per week)	10,000 sq. ft.
Service Business	5,500 sq. ft.
Indoor Recreation:	12,500 sq. ft.
Hair Salon:	1,250 sq. ft.
Manufacturing	3,500 sq. ft.
Residential:	4,076 sq. ft.

Definitions of the above listed uses are as contained within the Brewer Land Use Code in effect the day of this contract.

- II. The OWNER shall submit to the Brewer Code Officer, a running total of all space on the PROPERTY each time a business or tenant occupies or vacates the PROPERTY. Said running total shall include the name of the business or tenant, their amount of building square footage and outdoor space, number of employees, and estimated amount of traffic generated with the use.
- III. If approved by the Brewer Code Enforcement Officer, Brewer City Engineer, and City Planner, the OWNER shall be allowed to transfer building square footage from a higher-intensive traffic use to a lower-intensive traffic use, as long as the uses are among those listed above, without having to amend this contract.

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5. The conditions, terms, and duties and obligations of this Contract shall run with the land. All future real estate conveyances by deed shall contain a reference to this Contract.
6. This contract shall inure to the benefit of the owners, its successors and assigns.
7. This Contract may only be amended in writing by the City and owner of the property as determined by the ownership as of the date of the amendment;
8. This Contract shall be recorded in Penobscot County Registry of Deeds by the property owners on or before _____ and proof shall be provided to the City at the owner's expense.
9. The OWNER has the right to assign this contract.

City of Brewer

Witness

By _____
Its City Manager, duly authorized
Dated:

Witness

By _____
David Giroux , General Partner Husson Park
Limited Partnership, duly authorized
Dated:

Penobscot, ss

State of Maine
Date _____

Personally appeared the above-named Stephen M. Bost, City Manager, and acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of said City of Brewer.

Before me,

Notary Public
Printed name:

Penobscot, ss

State of Maine

Date _____

Personally appeared the above-named David Giroux, General Partner, and acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of said Husson Park Limited Partnership.

Before me,

Notary Public

Printed name:

2014-A117

August 12, 2014

TITLE: ORDER, ACCEPT DONATIONS TO THE BREWER PARKS AND
RECREATION DEPARTMENT FOR THE ANNUAL
BREWER DAYS CELEBRATION.

filed August 6, 2014
by Kevin O'Connell

WHEREAS, the City of Brewer has received donations of \$1000.00 from Machias Savings Bank and Eastern Maine Healthcare Systems for support of this year's Brewer Days Celebration;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these generous donations, and directs that the donated funds be receipted to account 0200000 320000 71002 (Brewer Days Contributions); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0200000 520000 71002 (Brewer Days Expense).

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to these businesses for their generous donations.

2014-A118

August 12, 2014

TITLE: ORDER, AWARD BID FOR THE LED MESSAGE CENTER BOARD
REPLACEMENT AT THE BREWER AUDITORIUM.

filed August 6, 2014
by Joseph Ferris

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WHEREAS, quotes were solicited, received and evaluated for the replacement of the LED message center board at the Brewer Auditorium; and

WHEREAS, Bangor Neon of Bangor, Maine provided the City of Brewer with the quote that met the most specifications of the bid that was advertised;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Bangor Neon of Bangor, Maine in the amount of \$20,640.00 for the replacement of the LED message center board at the Brewer Auditorium; and

FURTHER ORDERED, that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of contractor services for this project; and

FURTHER ORDERED, that funds for this project shall be charged to account 0510134-551407 (Auditorium Marquee), approved as part of the FY2015 CIP; and

FURTHER ORDERED, that funding for this project shall come from \$4000.00 in reallocated CIP monies and \$16,640.00 in Recreation Department Banner Reserve funds.

QUOTES RECEIVED:

Bangor Neon	\$16,238 (29" high)	\$20,640 (41" high)
Advantage LED (Houston TX)	\$13,176 (29" high)	\$19,376 (41" high)
Complete Signs (Dothan, AL)	\$18,150 (29' high) \$15,870 *	\$22,495 (41" high) \$20,170 *

* Alternative model

2014-A119

August 12, 2014

TITLE: ORDER, AUTHORIZE THE PURCHASE OF COMPONENTS FOR
NEW SCHOOL ZONE LIGHTS AND NEW RAPID
FLASHING CROSSWALK SIGNS.

filed August 6, 2014
by Beverly Uhlenhake

WHEREAS, in the FY2015 CIP Council approved projects to install new solar powered school zone lights on Parkway South at the High School and to install new Rapid Flashing Crosswalk signals at existing crosswalks on Pendleton Street near the K-8 school and on South Main Street at St. Theresa's Church; and

WHEREAS, the Engineering Department has designed specified and requested competitive bids for the necessary components for this new signals;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to issue a purchase order in an amount not to exceed \$23,000.00 to Highway Tech Signal Equipment Sales, Inc. of Sabattus, Maine for equipment required to install new solar powered school zone signals on Parkway South for the High School and new Rapid Flashing Crosswalk signals on Pendleton Street and on South Main Street; and

BE IT FURTHER ORDERED that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of contractor services for this project; and

BE IT FURTHER ORDERED, that the costs of these purchases shall be charged to FY2015 CIP account 0510133 551608 (School Zone and Crosswalk Lighting).

2014-A120

August 12, 2014

TITLE: ORDER, AWARD CONTRACT FOR CONVERSION OF THE
PUBLIC SAFETY BUILDING BOILERS FROM OIL-FIRED
TO NATURAL GAS-FIRED.

filed August 6, 2014
by Matthew Vachon

WHEREAS, the City has recently entered into an agreement with Bangor Gas to provide natural gas service to Parkway South and Liberty Drive; and

WHEREAS, as part of this agreement the City has also agreed to convert the existing boilers at the Public Safety Building to natural gas within 60 days of the date upon which gas service becomes available to the building; and

WHEREAS, the Brewer City Council supports the conversion to natural gas due to the anticipated cost savings; and

WHEREAS, the Brewer City Council believes that R. J. Morin, Inc. of Old Town is uniquely qualified and experienced to perform this work due to their having recently completed a number of successful projects for the City including conversion of the Wastewater Pollution Control Facility boilers to gas service, installation of gas fired heat pumps and heat recovery units at the new Library, installation of a new heat pump HVAC system for the Public Safety Facility Museum, conversion of the former Middle School and Gymnasium boilers to natural gas, conversion of the High School boilers to natural gas and the ongoing HVAC renovations at the High School;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with R. J. Morin, Inc. of Old Town in an amount not to exceed \$25,000.00 for the conversion of the two Public Safety Building boilers from oil to natural gas; and

BE IT FURTHER ORDERED, that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of contractor services for this project; and

BE IT FURTHER ORDERED, that the costs for these services shall be charged to FY2015 CIP account 0510122 551221 (Public Safety Bldg. Natural Gas Conversion),

2014-A121

August 12, 2014

TITLE: ORDER, ISSUE RELEASE DEED TO BARBARA AND EDWARD MITCHELL AND BARBARA AND VAUGHN FOSTER FOR PROPERTY LOCATED AT 454 SOUTH MAIN STREET (TAX MAP 26, LOT 153)

filed August 6, 2014
by Kevin O'Connell

ORDERED, that a municipal release deed be issued to Barbara and Edward Mitchell and Barbara and Vaughn Foster, for property located at 454 South Main Street releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 454 South Main Street (City Tax Map 26, Lot 153) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
13490	158
13339	50
13119	278
12932	163
12747	177

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said municipal release deed on behalf of the City of Brewer, Maine.

NOTE: A total of \$3,980.62 in principal was collected, along with \$532.68 in interest and \$216.44 in costs.

2014-A122

August 12, 2014

TITLE: ORDER, AUTHORIZING BREWER REDEVELOPMENT, LLC TO
TRANSFER THE PROPERTY LOCATED AT 5 SOMERSET
STREET TO SOMERSET PLACE HOUSING
ASSOCIATES, LP, FOR THE REDEVELOPMENT OF THE
FORMER BREWER MIDDLE SCHOOL.

filed August 6, 2014
by Joseph Ferris

WHEREAS, a separate legal entity, Brewer Redevelopment LLC, was created to take and hold title to the former Brewer Middle School to market, develop, and otherwise make use of the property for the betterment of the City; and

WHEREAS, the redevelopment of the former Middle School property was a high priority for the Brewer City Council and City Staff; and

WHEREAS, Brewer Redevelopment, LLC has identified a developer, Somerset Place Housing Associates, LP, who will redevelop the former middle school into senior housing units; and

WHEREAS, Brewer Redevelopment LLC was able to use eligible Brownfield RLF grant funds and a U.S. EPA Clean-up Grant to facilitate the environmental remediation and cleanup of the property of the former Middle school; and

WHEREAS, the remediation and cleanup is now complete and the property is ready to be turned over to Somerset Place Housing Associates, LP for redevelopment;

NOW, THEREFORE, BE IT FURTHER ORDERED, that the City Council does hereby authorize Brewer Redevelopment, LLC, whose purpose is to hold title and redevelop the former Middle School, to convey title by Quitclaim Deed with Covenant to Somerset Place Housing Associates, LP, in a format approved as to form by the attorney representing Brewer Redevelopment, LLC.

2014-A123

August 12, 2014

TITLE: ORDER, AUTHORIZE THE BREWER WATERFRONT TRAIL BE
OFFICIALLY NAMED THE BREWER RIVERWALK TRAIL.

filed August 6, 2014
by Beverly Uhlenhake

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is imperative that the trail have an official name as an amendment to Chapter 15 (Parks, Conservation and Recreation) of the City of Brewer Charter, Codes and Ordinances is to be filed and posted designating the Brewer Riverwalk Trail as a Safe Zone; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council officially names the waterfront trail the Brewer Riverwalk Trail which lies within the following areas:

(1) The property owned by the City of Brewer by virtue of the Deed from Hiram H. Fogg recorded in the Penobscot County Registry of Deeds in Volume 641, Page 275.

(2) The easements to the City of Brewer from Dead River Company, d/b/a Dead River Petroleum Company, recorded in the Penobscot County Registry of Deeds in Volume 8320, Page 205, and Volume 9558, Page 304.

(3) The easement to the City of Brewer from G. H. Doane recorded in the Penobscot County Registry of Deeds in Volume 10570, Page 4.

(4) The easement to the City of Brewer from Maxwood Services, Inc. recorded in the Penobscot County Registry of Deeds in Volume 10570, Page 10.
2014-C014, page 2

(5) The easement to the City of Brewer from Bruce R. Blackmer recorded in the Penobscot County Registry of Deeds in Volume 8544, Page 296.

(6) The easement to the City of Brewer from Dorks R Us recorded in the Penobscot County Registry of Deeds in Volume 8371, Page 236.

(7) The portion of the State of Maine property adjacent to the so-called Joshua Chamberlain Bridge.

2014-A124

August 12, 2014

TITLE: ORDER, SETTING A DATE, TIME AND PLACE FOR A PUBLIC HEARING TO DECLARE THE STRUCTURES LOCATED AT 927-929 NORTH MAIN STREET IN BREWER (CITY OF BREWER'S TAX ASSESSOR'S MAP 18, LOT 11) ARE A NUISANCE OR DANGEROUS STRUCTURES PURSUANT TO TITLE 17 M.R.S.A. § 2851, ET SEQ.

filed August 6, 2014
by Matthew Vachon

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is imperative that notices be sent to persons who have interest in the property informing them of this hearing as soon as possible; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

WHEREAS, the City of Brewer Code Enforcement Officer has determined the structures located at 927-929 North Main Street in Brewer are a nuisance or dangerous pursuant to Title 17 M.R.S.A. § 2851, *et seq*; and

WHEREAS, the Brewer City Council needs to hold a public hearing to determine if said structures are a nuisance and dangerous pursuant to the statute;

NOW, THEREFORE, BE IT ORDERED, that a hearing be held on Tuesday, September 16, 2014, at 6:00 P.M. in the Brewer City Council Chambers located at Brewer City Hall, 80 North Main Street in the said City of Brewer to determine if the structures are structurally unsafe, unsanitary, constitute a fire hazard, is unsuitable or improper for the use or occupancy, constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolete or abandonment or is otherwise dangerous to life or property; and

FURTHER BE IT ORDERED, that the City Solicitor shall give the owners of said property and any persons of interest notice of the date, time and place of such hearing.

2014-A125

August 12, 2014

TITLE: ORDER, AUTHORIZE THE CODE ENFORCEMENT OFFICER AND THE CITY SOLICITOR TO BRING AN ACTION AGAINST THE OWNER AND ANY PARTY OF INTEREST PURSUANT TO TITLE 17 M.R.S.A. § 2851, ET SEQ, AGAINST THE PROPERTY SITUATED AT 4 SOMERSET STREET IN BREWER (CITY OF BREWER'S TAX ASSESSOR'S MAP 30, LOT 48).

filed August 6, 2014
by Kevin O'Connell

WHEREAS, the Brewer City Council determined that the structure located at 4 Somerset Street in Brewer was a nuisance and dangerous pursuant to Title 17 M.R.S.A. § 2851, et seq; and

WHEREAS, the owner and parties in interest failed to correct the issues that created the nuisance and dangerous structures on said property; and

WHEREAS, the City Solicitor and Code Enforcement Officer have recommended a civil action be filed in the Penobscot County Superior Court pursuant to Title 17 M.R.S.A. § 2851, et seq, to have a Judge determine the structures on said property are a nuisance and dangerous;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer's Code Enforcement officer and City Solicitor are hereby authorized to bring a civil action against the owner and parties in interest of the 4 Somerset Street, Brewer, Maine, property pursuant to Title 17 M.R.S.A. § 2851, et seq; and

FURTHER BE IT ORDERED, that the Code Enforcement Officer and City Solicitor are authorized to take any and all actions they deem necessary to carry out this Order.

2014-A126

August 12, 2014

TITLE: ORDER, ACCEPT GRANT TO THE BREWER PUBLIC LIBRARY.

filed August 6, 2014
by Joseph Ferris

WHEREAS, the Brewer Public Library has received a Community Benefit grant of \$500.00 from Eastern Maine Healthcare Systems; and

WHEREAS, Eastern Maine Healthcare Systems is a community supporter of community literacy and health; and

WHEREAS, it is the wish of the donor and the recommendation of the Library Director that these funds be used to supplement and support the Library's StoryWalk® project;

NOW, THEREFORE, BE IT ORDERED, that the City Council, herewith accepts this generous contribution of \$500.00 from Eastern Maine Healthcare Systems; and

BE IT FURTHER ORDERED, that this \$500.00 donation be deposited in account 0107204-300420 (Library Contributions/Donations) and be appropriated and expended from 0117201-506150 (Library Special Events).

NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.

2014-A127

August 12, 2014

TITLE: ORDER, ACCEPT DONATIONS TO THE BREWER PUBLIC LIBRARY.

filed August 6, 2014
by Beverly Uhlenhake

WHEREAS, the Brewer Public Library has received contributions totaling \$735.00 from various donors in memory of John Connick; and

WHEREAS, Mr. Connick was a long-time patron of the City of Brewer Public Library as well as a talented local artist, and enjoyed researching his projects with the assistance of the library staff; and

WHEREAS, Mr. Connick and his wife, Nancy Connick, were very grateful for the excellent service they received at the City of Brewer Public Library; and

WHEREAS, it is the recommendation and request of the Library Director that a portion of these contributions be used to supplement and support the purchase of new books and a portion used to host art programs at the City of Brewer Public Library;

NOW, THEREFORE, BE IT ORDERED, that the City Council, herewith accepts these generous contributions totaling \$735.00 in memory of John Connick and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations); and

BE IT FURTHER ORDERED, that \$235.00 of these donations be appropriated and expended from account 0117201 502750 (Library Books) and that the remaining \$500.00 be appropriated and expended from account 0117201-506150 (Library Special Events); and

FURTHER ORDERED, that the City Council authorizes the acceptance of any additional contributions received in Mr. Connick's memory beyond the \$735.00 and authorizes their appropriation and expenditure to supplement the Library's book and/or special events budgets in accordance with the above.

NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.

2014-A128

August 12, 2014

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS
DESIGNEE, TO NEGOTIATE WITH LARGAY-FEENEY
INVESTMENTS, LLC FOR AN EXTENSION OF
MANNS COURT.

filed August 6, 2014
by Matthew Vachon

WHEREAS, the City of Brewer has been maintaining a private section of Manns Court for many years; and

WHEREAS, the current owner of the affected property (Largay-Feeney Investments, LLC) has expressed an interest in conveying the area of the private roadway to the City for acceptance as a public way in exchange for their ability to purchase an adjacent parcel currently owned by the City;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to negotiate an extension of Manns Court with Largay-Feeney Investments, LLC; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith declares the City owned parcel at the end of Manns Court surplus property and authorizes the City Manager, or his designee, to offer and convey this parcel, in part or in whole, for consideration, under such terms conditions as he determines to be in the best interests of the Citizens of Brewer; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to execute any and all deeds and documents necessary to complete the directives contained herein.

ACTION: Councilor Vachon moved that the order have passage. The motion was seconded.

Councilor Vachon moved that the order be tabled. The motion was seconded and passed.

The motion to table the order was passed by a 4 to 1 vote (Councilor Ferris voting against).

2014-A129

August 12, 2014

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS
DESIGNEE, TO SIGN A LEASE FOR SEVEN (7) PARKING
SPACES ON A PORTION OF THE CITY PROPERTY
GENERALLY SHOWN ON THE CITY OF BREWER'S
TAX ASSESSOR'S MAP 30, LOT 149 TO THE HOUSING
AUTHORITY OF THE CITY OF BREWER, OR ITS
SUCCESSORS AND ASSIGNS, IN THE EVENT IT
EXERCISES ITS OPTION AND PURCHASES THE FORMER
BREWER MIDDLE SCHOOL PROPERTY FROM BREWER
REDEVELOPMENT, LLC.

filed August 6, 2014
by Kevin O'Connell

WHEREAS, the former Brewer Middle School property (hereinafter referred to as the "Property") was conveyed by the City of Brewer to Brewer Redevelopment, LLC, its successors and assigns; and

WHEREAS, the Housing Authority of the City of Brewer, its successors and assigns, have an option on the Property with Brewer Redevelopment, LLC; and

WHEREAS, in the event it exercises its option and purchases the Property, it will need an additional seven (7) parking spaces; and

WHEREAS, the City has agreed to lease seven (7) spaces to the Housing Authority of the City of Brewer, its successors and assigns, once it has exercised its option and purchased the Property;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager, or his designee, to sign a lease for seven (7) parking spaces for an annual rental on a portion of Tax Assessor's Map 30, Lot 149 to the Housing Authority of the City of Brewer, its successors and assigns, once it exercises its option with Brewer Redevelopment, LLC to purchase the former Brewer Middle School and completes its purchase of the Property; and

FURTHER, BE IT ORDERED, that the lease shall be substantially similar to the attached draft of the lease and approved as to the final form by the City Solicitor.

LEASE SEVEN (7) PARKING SPACES

THIS LEASE made this ____ day of September, 2014, by and between the CITY OF BREWER, a body politic, located in the County of Penobscot, State of Maine, hereinafter referred to as the “Lessor” and the HOUSING AUTHORITY OF THE CITY OF BREWER, A HOUSING AUTHORITY duly organized and existing under the laws of the State of Maine, with a place of business in the City of Brewer, County of Penobscot, State of Maine, its successors and assigns, hereinafter referred to as the Lessee.

WITNESSETH

WHEREAS, the Lessee has purchased the property known as the former Brewer Middle School for elderly housing, located on Somerset Street, Brewer, Maine; and

WHEREAS, the Lessee does not currently have enough on-site parking to meet the requirements of the Brewer Land Use Code; and

WHEREAS, the Lessor is willing to lease to the Lessee seven (7) additional non-exclusive parking spaces in its parking lot located nearby on property conveyed to the Lessor by the deed recorded in the Penobscot County registry of Deeds in Volume 177, Page 392, to allow the Lessee to operate an elderly housing project on Somerset Street, Brewer, Maine; and

WHEREAS, the Lessor and Lessee have agreed upon all of the terms and conditions of this Lease.

NOW THEREFORE

based upon all of the foregoing and other valuable considerations, it is agreed by and between the Lessor and Lessee as follows:

1. Term – The term of this Lease shall be for a period of two (2) years from the date first above written, unless terminated as hereinafter provided, unless terminated earlier as hereinafter provided.

2. Parking Spaces – The Lessor hereby leases to the Lessee seven (7) non-exclusive parking spaces located on a portion of the property described in the deed recorded in the Penobscot County Registry of Deed in Volume 177, Page 392. The Lessee shall notify the Lessor's Public Works Department by 12:00 Noon the day of any snowstorm or the day thereafter if the parking lot of which the non-exclusive parking spaces being leased has not been plowed if there are any of the Tenant's invitees' vehicles in the said parking spaces and cause them to be removed.

3. Rental - The Lessee shall pay a rental fee to the Lessor in the amount of One Hundred Fifty Dollars (\$150.00) per space per year beginning on the date first above written and on the same day of each year thereafter, so long as this Lease remains in effect.

4. Rules and Obligations – The Lessor, acting through its City Manager, shall have the right to adopt reasonable rules and regulation concerning the use, maintenance and operation of the seven (7) exclusive parking spaces by the Lessee, its tenants, their invitees and guests.

5. General Liability Insurance and Indemnification – The Lessee shall maintain general liability insurance limit of \$1,000,000.00, naming the Lessor as an additional insured, at no cost to the Lessor. A current Certificate of Insurance shall be provided to the Lessor by the Lessee at the time the Lessee's authorized agent signs this Agreement to Lease and every year thereafter before the prior year's policy expires.

The Lessee will indemnify the Lessor, its employees and agents, from any and all liability, attorney fees and costs it may incur to defend any claims as the result of any damages or personal injury to the Lessee, its tenants, their invitees and guests or their respective personal property during their use of the seven (7) exclusive parking spaces covered by this Lease.

6. Extension – This Lease may be extended so long as the Lessor and Lessee can agree to all of the terms and conditions prior to the end of the two (2) year term.

7. Termination – This Lease shall terminate at the end of the two (2) year period, unless earlier terminated for Lessee's failure to pay rent after Lessor gives Lessee a fourteen (14) day written notice and Lessee fails to pay its rent. The Lessee can terminate this Lease at any time upon ninety (90) days written notice to the Lessor.

8. The Lessee shall have the right to assign this Lease at any time to an legal entity that it has an ownership interest in,

9. Time – Time is of the Essence.

10. Completeness and Modification – This Lease contains the complete understanding of the parties and may only be modified by their mutual written agreement.

IN WITNESS WHEREOF, the Lessor and the Lessee have signed this Agreement by their duly authorized representatives on the day, month, and year first above written.

CITY OF BREWER - LESSOR

Witness

By _____
Stephen M. Bost
Its City manager
Duly authorized

HOUSING AUTHORITY OF THE
CITY OF BREWER - LESSEE

Witness

By _____
Gordon L. Stitham,
It's Executive Director
duly authorized

2014-A130

August 12, 2014

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS
DESIGNEE, TO CONTRACT WITH THE MAINE
DEPARTMENT OF TRANSPORTATION TO
BEGIN PHASE II OF THE BREWER RIVERWALK
TRAIL DEVELOPMENT.

filed August 6, 2014
by Joseph Ferris

WHEREAS, the Brewer Riverwalk Trail from Wilson Street to Hardy Street (Phase I) was completed during the fall of 2013, and the support from the residents, business community, and visitors has been overwhelmingly positive; and

WHEREAS, there are approximately \$1,050,000 in federal funds remaining from the 2004 Waterfront Trail Congressional appropriation and the City has the local match to continue development along the waterfront; and

WHEREAS, the City of Brewer would like to extend the Brewer Riverwalk Trail from the intersection of Wilson Street and Main Street north to the Penobscot Bridge; and

WHEREAS, the Brewer Riverwalk Trail project that was managed and administered by the Maine Department of Transportation was done well and professionally; and

WHEREAS, the City of Brewer requests that the Maine DOT once again manage and administer Phase II of the Brewer Riverwalk Trail and acquire all of the necessary easements and rights of ways; and

WHEREAS, the City of Brewer supports and has decided that the acquisition of necessary easements and rights of way is necessary for this important project, and will lead the acquisition process if needed; and

WHEREAS, the City of Brewer has made the decision to build the project either with MaineDOT at the lead or the City of Brewer;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager, or his designee, to negotiate and execute any necessary agreements with the Maine Department of Transportation to designate the remaining appropriation funds to extend the Brewer Riverwalk Trail from Wilson Street to the Penobscot Bridge; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of up to \$275,000 in capital improvement program funds to meet the City's 20% match requirement; and

FURTHER ORDERED, that funds for the City's match shall come from of monies previously set aside for this purpose in the Waterfront Trail (0510121-551102) and Shore Stabilization (0510101-551101) accounts. To the extent that additional funding is needed in these accounts to meet the City's match requirement, the Council hereby authorizes the appropriation and expenditure of TIF Special Revenue Funds for this purpose, which is an approved TIF-eligible project; and

FURTHER ORDERED, that the City Manager, or his designee, be authorized to enter into a written agreement with the Maine Department of Transportation that lays out the cost-sharing and other elements of this joint development project.

ACTION: Councilor Ferris moved that the order have passage. The motion was seconded and passed.

Councilor Uhlenhake asked Economic Development Director D'arcy Main-Boyington to tell the City Council and the public present in the audience a little bit about phase II of the waterfront trail.

D'arcy Main-Boyington said that the second phase goes from the Chamberlain Bridge to the Penobscot Bridge. There has been positive response from the landowners being approached concerning easement.

The order was passed by unanimous vote.

2014-A131

August 12, 2014

TITLE: ORDER, ACCEPT FUNDS IN A FORFEITURE RESULTING
FROM A RECENT COURT CASE THAT THE BREWER
POLICE MADE A SUBSTANTIAL CONTRIBUTION
IN THE SUCCESSFUL PROSECUTION OF.

filed August 6, 2014
by Beverly Uhlenhake

WHEREAS, as a result of a criminal investigation conducted by a member of the Brewer Police Department, a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS, this sum of money was offered to the City in recognition of the valuable assistance of the Brewer Police Department in the successful completion of the investigation; and

WHEREAS, un Maine Law, Title 15 M.R.S.A., § 5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money forfeited as a result of the recent criminal investigation cited:

Case Reference Number	Sum
14-DEA-596019	\$24,000

AND, FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

FURTHER ORDERED, that these funds be deposited into the Federal Justice Asset Forfeiture Receipt Account 0200103-320000.

2014-A132

August 12, 2014

TITLE: ORDER, AUTHORIZE THE AUCTION AND/OR DISPOSAL
OF UNCLAIMED BICYCLES.

filed August 6, 2014
by Matthew Vachon

WHEREAS, the Brewer Police Department collects abandoned bicycles and stores these bicycles if the owner cannot be found; and

WHEREAS, pursuant to Maine Revised Statutes, Title 25, Chapter 401, subsection 3503, any bicycles that have been in the possession of the Brewer Police Department for a period of time greater than 6 months that have been unclaimed can be sold for cash at public auction to the highest bidder and that any property offered but not sold at public auction may be donated to a nonprofit organization or charity or disposed of as waste; and

WHEREAS, pursuant to Maine Revised Statutes, Title 25, Chapter 401, subsection 3503, the Brewer Police Department must provide notice of the public auction which shall be published in a newspaper of general circulation in Penobscot County at least 10 days prior to such auction; and

WHEREAS, proceeds of the sale of the unclaimed bicycles are exempt from Maine Revised Statutes, Title 33, Chapter 41;

NOW THEREFORE BE IT ORDERED, that the City Manager, or his designee, is herewith authorized to direct that a public auction be held for all unclaimed bicycles that have been in the possession of the Brewer Police Department for a period of time greater than 6 months and that notice of this auction shall be published in a newspaper in accordance with Maine law; and

BE IT FURTHER ORDERED, that any bicycles offered at auction that are not sold may be disposed of; and

BE IT FURTHER ORDERED, that proceeds from bicycle auctions shall be used by the Brewer Police Department for programs and materials that promote public relations and crime prevention.

2014-A133

August 12, 2014

TITLE: ORDER, AUTHORIZE WRITEOFF OF UNCOLLECTIBLE
PERSONAL PROPERTY TAXES.

filed August 6, 2014
by Kevin O'Connell

WHEREAS, the Tax Collector has made extensive effort to collect upon past due personal property taxes, including in house efforts to locate individuals and secure payment and the use of a collection agency for unresponsive and non-locatable accounts; and

WHEREAS, the accounts listed below reflect those which have been deemed uncollectible;

NOW THEREFORE BE IT ORDERED, that the City Council hereby authorizes the balances in the accounts listed below be written off as uncollectible.

<u>Name</u>	<u>Acct</u>	<u>Amount</u>	
BEEF 'O' GRADY'S INC / ABBY CORP PAYMENTS	91980	7,635.40	closed and bankruptcy
CLIFFORD SHERRY	90146	44.88	CLOSED cannot locate
CORREALE JOSEPH	92101	97.56	Collections unable to locate
DESJARDINS ALAIN	92093	57.44	closed
FIRST FRIENDS INC	91240	134.83	closed out of state
FOLNSBEE INC	92064	216.15	Collections unable to locate
GILBERT JODI	92047	30.52	Collections unable to locate
HUTCHINS DENNIS	92048	43.08	BUSINESS closed
MILLETT NORMAN	90324	47.33	in bank foreclosure
MORE EUGENE W JR & EDITH M	90528	14.78	Collections unable to locate
MURPHY JOYCE C B	90515	36.94	Collections unable to locate
PELKRY RAYMOND & LISA	90635	234.25	business closed
SURPRENANT SUSAN E & HERMON W	90907	14.36	under foreclosure
TIBBETTS LORI	91962	222.11	Moved—unable to locate
W I N LLC	92036	570.81	closed
WILLARD BENJAMIN F JR	91366	14.56	closed business

TOTAL 9,415.00

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$9,415 from Overlay (0119901-509810) to the Adjustments/Writeoffs account (0116900-509890) to fund this expense.

ACTION: Councilor O'Connell moved that the order have passage. The motion was seconded.

Councilor Vachon moved that the first item in the personal property column (Beef O'Brady's) be struck out. The motion was seconded and passed.

The order, as amended, was passed by unanimous vote.

2014-A134

August 12, 2014

TITLE: ORDER, AUTHORIZE SUPPLEMENTAL APPROPRIATION FOR
CODE ENFORCEMENT OFFICE RELOCATION.

filed August 6, 2014
by Joseph Ferris

WHEREAS, the reconfiguration of the former library to accommodate the relocation of the Code Enforcement Office to City Hall is complete; and

WHEREAS, the general contractor's costs came in under budget but there are several other costs and improvements that are needed to ensure handicap accessibility and to make the space fully functional; and

WHEREAS, the City anticipates the sale of one or more properties it owns this fiscal year, the proceeds of which could be used to pay for the additional costs associated with the renovation of the former library space;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the supplemental appropriation and expenditure of up to \$25,000 from the City Hall Infrastructure CIP account (0510120-551001) to finish the improvements to the former library.

BE IT FURTHER ORDERED, that the funding to support this expense shall come from the proceeds from the sale of City property, except that if such sale(s) do not generate sufficient revenue or do not take place before the close of fiscal year 2015, the funds needed to cover the expense shall come from general fund balance.

2014-A135

August 12, 2014

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT
POLICE PATROL VEHICLE FOR THE BREWER
POLICE DEPARTMENT.

filed August 6, 2014
by Matthew Vachon

WHEREAS, in June 2014 the City Council approved funding for the replacement of a Police vehicle as part of the FY15 Capital Improvement Program; and

WHEREAS, the City received the following bids:

Varney's in Bangor	\$31,575.00
Chevy Tahoe 2WD Police Pursuit Vehicle	
Varney's in Bangor	\$33,475.00

City Council Minutes
August 12, 2014

Chevy Tahoe 4WD Police Pursuit Vehicle	
Quirk in Bangor	no bid submitted
O'Connor in Augusta	\$30,993.00
Chevy Tahoe 2WD Police Pursuit Vehicle	
O'Connor in Augusta	\$33,698.00
Chevy Tahoe 4WD Police Pursuit Vehicle	

WHEREAS, we recommend accepting Varney's bid for a Chevy Tahoe 4WD Police Pursuit Vehicle as Chevy now produces a pursuit rated 4WD police vehicle, this vehicle will be better suited to the response needs of winter weather, the estimated city mileage is the same as the 2WD model at 16mpg, and the estimated highway mileage is 22mpg as compared to 23mpg with the 2WD model;

NOW THEREFORE BE IT ORDERED, that the City Manager, or his designee, is herewith authorized and directed to purchase a replacement marked patrol vehicle for the Brewer Police Department from Varney GMC for \$33,475.00; and

BE IT FURTHER ORDERED, that costs for this purchase be charged to CIP account 0510132-511200 (Police Vehicle) for the appropriated amount of \$28,000.00; and

BE IT FURTHER ORDERED, that the balance of the costs for the purchase of this vehicle to include fully equipping it, to include but not be limited to: transport cages and seats, emergency lights and siren, and gun racks be charged to Asset Forfeiture account 0200102 502958 (Treasury – Other Law Enforcement Expenses).

2014-B046

August 12, 2014

TITLE: RESOLVE, AMEND BUDGET RESOLVE 2014-B030.

filed August 6, 2014
by Beverly Uhlenhake

RESOLVED, that Resolve 2014-B030 Approve City and School Budget Appropriation for Fiscal Year 2015 be amended to reflect a modification of the sum to be raised by assessments upon the estates of the Inhabitants of the City of Brewer and upon the estates of the non-resident proprietors within the City for the present municipal year;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Brewer City Council hereby modifies and confirms the amendment of the sum to be raised from \$16,142,652 to \$16,023,786, which sum constitutes the estimated requirements of the City for the fiscal year 2015 (commencing July 1, 2014 and terminating June 30, 2015) based upon the budget submitted by the City Manager as provided by the City Charter and the amendments described herein; and

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FURTHER RESOLVED, that the amended sum of \$16,023,786 is hereby appropriated, in addition sums otherwise provided, the amount for each purpose being specified in the schedule hereto attached:

ACTION: Councilor Uhlenhake moved that the resolve be adopted. The motion was seconded and passed.

The resolve was adopted by unanimous vote.

D. Monthly Reports.

ACTION: Councilor Ferris moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed by unanimous vote.

E. Nominations, Appointments, Elections.

There were no items.

F. Unfinished Business.

There were no items.

G. New Business.

ACTION: Councilor Vachon moved that the two proposed ordinance amendments on the consent calendar be filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

2014-C014

August 12, 2014

TITLE: AMEND CHAPTER 15, ARTICLE 7, SAFE ZONES, SECTION 702, SAFE ZONES, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ENTITLED "PARKS, CONSERVATION AND RECREATION", TO ADD AN ITEM J.

filed August 6, 2014
by Kevin O'Connell

WHEREAS, Title 30-A M.R.S.A. Section 3253 allows municipalities to establish safe zones; and

WHEREAS, the Penobscot Landing Children's Garden and the Brewer Riverwalk Trail are frequented by minors; and

WHEREAS, new security cameras have been installed; and

WHEREAS, the City Council for the City of Brewer believes that it is in the best interest to protect the public health, safety and welfare of its citizens and all who use the Penobscot Landing Children's Garden and the Brewer Riverwalk Trail to designate the said Brewer Riverwalk Trail as part of a safe zone pursuant to Title 30-A M.R.S.A. Section 3253; and

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 15, Article 7, Safe Zones, Section 702, Safe Zones, of the Charter, Codes and Ordinances of the City of Brewer entitled "Parks, Conservation and Recreation" be amended by adding an Item J as follows:

(j) The Brewer Riverwalk Trail, and any improvements which lie within the following areas:

(1) The property owned by the City of Brewer by virtue of the Deed from Hiram H. Fogg recorded in the Penobscot County Registry of Deeds in Volume 641, Page 275.

(2) The easements to the City of Brewer from Dead River Company, d/b/a Dead River Petroleum Company, recorded in the Penobscot County Registry of Deeds in Volume 8320, Page 205, and Volume 9558, Page 304.

(3) The easement to the City of Brewer from G. H. Doane recorded in the Penobscot County Registry of Deeds in Volume 10570, Page 4.

(4) The easement to the City of Brewer from Maxwood Services, Inc. recorded in the Penobscot County Registry of Deeds in Volume 10570, Page 10.
2014-C014, page 2

(5) The easement to the City of Brewer from Bruce R. Blackmer recorded in the Penobscot County Registry of Deeds in Volume 8544, Page 296.

(6) The easement to the City of Brewer from Dorks R Us recorded in the Penobscot County Registry of Deeds in Volume 8371, Page 236.

(7) The portion of the State of Maine property adjacent to the so-called Joshua Chamberlain Bridge.

2014-C015

August 12, 2014

TITLE: AMEND THE GENERAL ASSISTANCE ORDINANCE TO INCORPORATE
CHANGES IN MAXIMUM BENEFITS.

filed August 6, 2014
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 11 of the Charter, Codes and Ordinances of the City of Brewer entitled "Health Officer, Health and General Assistance" be amended as follows:

A. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix A to read, in part, as follow:

APPENDIX A		Basic Necessities: Maximum Levels of Assistance.	
No. in Household		Monthly	(Change to)
1		\$579	\$603
2		\$669	\$725
3		\$845	\$874
4		\$1061	\$1096
5		\$1223	\$1261
6		\$1291	\$1330
Each additional person		\$ 68.00	\$69.00*

B. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix B to read, in part, as follow:

APPENDIX B		Food Maximums			
No. in Household		Weekly	Monthly	(Change to) Weekly	Monthly
1		46.51	\$200.00	\$46.51	\$189.00
2		85.35	\$367.00	\$80.70	\$347.00
3		122.33	\$526.00	\$115.58	\$497.00
4		155.35	\$668.00	\$146.97	\$632.00
5		184.42	\$793.00	\$174.42	\$750.00
6.		221.40	\$952.00	\$209.30	\$900.00
7.		244.65	\$1052.00	\$231.40	\$995.00
8.		279.53	\$1202.00	\$264.42	\$1137.00
Each additional person			\$ 150.00	\$142.00*	

C. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix C to read, in part, as follow:

Current:

Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	99	424	114	491
1	99	424	114	491
2	100	429	131	565
3	136	587	172	741
4	155	668	214	919

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Change to:

Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	100	432	123	527
1	113	487	142	610
2	145	625	181	778
3	183	789	227	975
4	210	904	263	1133

Mayor Goss said he would accept a motion for adjournment.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:47 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan

City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine